



~~February 20, 2007 CPC~~
~~May 15, 2007 CPC~~
~~September 18, 2007 CPC~~
October 24, 2007 BS

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

07SN0242
(AMENDED)

Rowe Associates, LTD

Dale Magisterial District
North line of Cogbill Road

REQUEST: (Amended) Amendment to Conditional Use Planned Development (Case 84S059)
relative to setback requirements.

PROPOSED LAND USE:

Specifically, deletion of a condition allowing one (1) side yard setback to be as little as zero (0) feet provided fifteen (15) feet is maintained between dwelling units and the other side yard required to have fifteen (15) feet is requested. The setbacks affects a section of Meadowbrook Farm subdivision that is not yet platted.

PLANNING COMMISSION RECOMMENDATION

RECOMMEND APPROVAL SUBJECT TO THE CONDITION ON PAGE 2.

STAFF RECOMMENDATION

Recommends approval provided the Commission and Board determine that the proposed setbacks are superior to those required by the existing zoning. This recommendation is made for the following reasons:

- A. The proposed setbacks are consistent with those required on other tracts within the development.
- B. The cash proffer policy allows the Commission and Board to consider deviation from the payment of cash or in kind improvements or donations to address the impacts on capital facilities if the project offers design standards superior to that

required by the existing zoning. The proffered conditions do not address the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the needs for roads, schools, parks, libraries and fire stations is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program, and the impact of this development is discussed herein. The proffered conditions do not address the impact on capital facilities, thereby insuring adequate service levels are maintained and protecting the health, safety and welfare of County citizens. However if it is determined that this proposal offers substantial upgrades to current design/development standards and Ordinance requirements, the policy suggests that it may be appropriate to accept reduced cash.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER(S) MAY PROFFER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

CONDITION

(STAFF/CPC) Side yards shall comply with the requirements of the Zoning Ordinance for Residential (R-9) Districts. (P)

- (Notes:
- A. With the approval of this request, Condition 3.b. of Case 84S059 is deleted for that part of the property which is the subject of the request.
 - B. All other conditions of zoning approval for Cases 84S059 and 96SN0286 remain in affect.)

GENERAL INFORMATION

Location:

North line of Cogbill Road, east of Ironstone Drive. Tax ID 774-682-1361.

Existing Zoning:

R-9 with Conditional Use Planned Development

Size:

7.0 acres

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North and West - R-9 with Conditional Use Planned Development; Single-family residential or vacant

South - R-7 and A; Single-family residential

East - R-9 with Conditional Use Planned Development and A; Single-family residential or vacant

UTILITIES AND ENVIRONMENTAL

The proposed amendment will have no impact on these facilities.

PUBLIC FACILITIES

The need for schools, parks, libraries, fire stations, and transportation facilities in this area is identified in the County's Public Facilities Plan, Thoroughfare Plan, and Capital Improvement Program and further detailed by specific departments in the applicable sections of this request analysis.

Fire Service:

The Dale Fire Station, Company Number 11 currently provides fire protection and emergency medical service. The applicant has not addressed the impact on Fire services consistent with the Board's policy.

Schools:

Currently, this site lies in the Hening Elementary School attendance zone: capacity - 838, enrollment - 963; Falling Creek Middle School zone: capacity - 1,036, enrollment - 1,036; and Meadowbrook High School zone: capacity - 1,541, enrollment - 1,902. The enrollment is based on September 29, 2006 and the capacity is as of 2006-2007. There are currently two (2) trailers at Hening Elementary and seventeen (17) at Falling Creek Middle.

The applicant has not addressed the impact on schools consistent with the Board's policy.

Libraries:

Consistent with the Board of Supervisors' policy, the impact of development on library services is assessed County-wide. Based on projected population growth, the Chesterfield County Public Facilities Plan (2004) identifies a need for additional library space throughout the County. Development of property in this area of the County would

most likely affect either the Central Library or the Meadowdale Library. The Meadowdale Library will be expanded within the next two (2) years as recommended by the 2004 Public Facilities Plan.

The applicant has not addressed the impact on libraries consistent with the Board's policy.

Parks and Recreation:

The Public Facilities Plan identifies the need for three (3) new regional parks, seven (7) community parks, twenty-nine (29) neighborhood parks and five (5) community centers by 2020. In addition, the Public Facilities Plan identifies the need for ten (10) new or expanded special purpose parks to provide water access or preserve and interpret unique recreational, cultural or environmental resources. The Plan identifies shortfalls in trails and recreational historic sites.

The applicant has not addressed the impact on parks consistent with the Board's policy.

Transportation:

The property is being developed for residential use. Vehicles generated by this development will be initially distributed along Cogbill Road, which had a 2006 traffic count of 4,466 vehicles per day between Iron Bridge Road (Route 10) and Canasta Drive. This section of Cogbill Road is acceptable (Level of Service D) for the volume of traffic it carries. No road improvement projects in this part of the county are included in the Six-Year Improvement Plan.

Area roads need to be improved to address safety and accommodate the increase in traffic generated by this development. The applicant has not addressed the traffic impact of this development consistent with the Board of Supervisors' Cash Proffer Policy. Without the applicant addressing the traffic impact of the residential development, the Transportation Department cannot support this request.

Financial Impact on Capital Facilities:

		PER UNIT
Potential Number of New Dwelling Units	16*	1.00
Population Increase	43.52	2.72
Number of New Students		
Elementary	3.73	0.23
Middle	2.08	0.13
High	2.70	0.17
TOTAL	8.51	0.53
Net Cost for Schools	\$85,568	\$5,348
Net Cost for Parks	9,664	604
Net Cost for Libraries	5,584	349
Net Cost for Fire Stations	6,480	405
Average Net Cost for Roads	143,072	8,942
TOTAL NET COST	\$250,368	\$15,648

* Based on an average actual density of 2.34 units per acre. The actual number of dwelling units and corresponding impact may vary.

As noted, this proposed development will have an impact on capital facilities. Staff has calculated the fiscal impact of every new dwelling unit on schools, roads, parks, libraries, and fire stations at \$15,648 per unit. The applicant has been advised that a maximum proffer of \$15,600 per unit would defray the cost of the capital facilities necessitated by this proposed development. The applicant has been further advised that, per policy, a development proposal's fiscal impact on capital facilities shall be established under the Board of Supervisors' cash proffer policy that is in effect at the time the application is submitted. Per the policy, however, in instances where a development proposal includes substantial upgrades to design/development standards and Ordinance requirements, the Commission and Board may consider accepting reduced cash proffer payments. In that this application only seeks to amend conditions relative to setbacks, the applicant has offered no measures to assist in defraying the cost of this proposed zoning on such capital facilities. Consequently, the county's ability to provide adequate facilities to its citizens will be adversely impacted.

Note that circumstances relevant to this case, as presented by the applicant, have been reviewed and it has been determined that it is appropriate to accept the maximum cash proffer in this case. Staff recommends the applicant address the development's impact on capital facilities. The Planning Commission and the Board of Supervisors, through their consideration of this request,

may determine that there are unique circumstances relative to this request that may justify acceptance of proffers as offered for this case.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Central Area Plan which suggests the property is appropriate for 1.0 – 2.5 dwelling units per acre.

Zoning History:

On June 27, 1984, the subject property as well as the surrounding Residential (R-9) property which is now commonly known as Meadowbrook Farm was rezoned to allow a mixed use development consisting of zero lot line and Residential (R-9) homes as well as office and commercial uses (Case 84SN0059). Subsequently, an amendment to that case was approved in 1997 (96SN0286) to amend the Master Plan and address road improvements.

The property which is the subject of this request was designated as a zero lot line tract (SF2) allowing 6,600 square foot lots having a zero (0) side yard setback provided a minimum of fifteen (15) feet is maintained between dwelling units and a minimum of fifteen (15) foot yard on the opposite side.

Current Proposal:

The applicant desires to amend the side yard setback requirement to conform to Residential (R-9) standards which require seven and one-half (7.5) feet on each side (Condition). These setbacks are consistent with the setbacks in other parts of the development where compliance with R-9 standards is required. The difference will be that those lots have a minimum area of 9,000 square feet as opposed to these lots which will be a minimum of 6,600 square feet.

CONCLUSIONS

The proposed setbacks are consistent with that required in other parts of the development.

This proposal offers increased side yard setbacks on one side yard only. As noted, the cash proffer policy allows the Commission and Board to consider deviation from the payment of cash in return for superior design standards. The proffered conditions do not offer cash to address the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the needs for roads, schools, parks, libraries and fire stations is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program, and the impact of this development is discussed herein. The proffered conditions do not mitigate the impact on capital facilities, thereby insuring adequate service levels are maintained and protecting the health, safety and welfare of County citizens.

If after consideration of the case, it is the opinion of the Commission and Board that the amended setbacks are superior to current requirements, approval would be appropriate.

CASE HISTORY

Planning Commission Meeting (2/20/07):

At the request of the applicant, the Commission deferred this case to May 15, 2007.

Staff (2/22/07):

The applicant was advised in writing that any significant new or revised information should be submitted no later than March 12, 2007, for consideration at the Commission's May 15, 2007, public hearing. Also, the applicant was advised that a \$250.00 deferral fee must be paid prior to the Commission's public hearing.

Applicant (3/13/07):

The applicant paid the \$250.00 deferral fee

Staff (5/1/07):

To date, no new information has been received.

Planning Commission Meeting (5/15/07):

At the request of the applicant, the Commission deferred this case to September 18, 2007.

Staff (5/16/07):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than July 16, 2007, for consideration at the Commission's September 18, 2007, public hearing. Also, the applicant was advised that a \$250.00 deferral fee must be paid prior to the Commission's public hearing.

Applicant (6/11/07):

The applicant paid the \$250.00 deferral fee.

Staff (7/13/07):

The application was amended to remove the requested exception to buffer requirements.

Planning Commission Meeting (9/18/07):

The applicant accepted the recommendation. There was no opposition present.

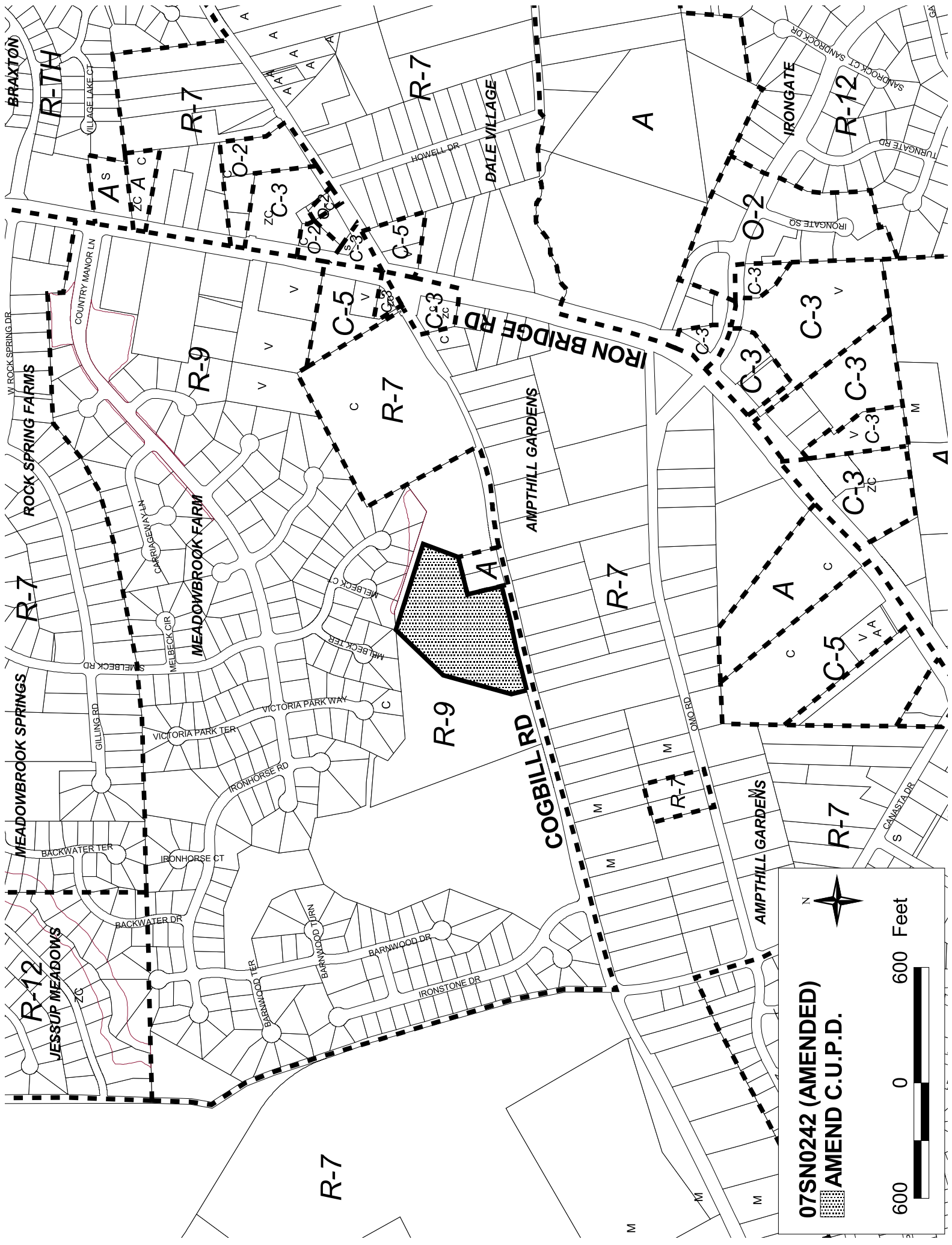
Mr. Litton indicated the proposal would increase side yard setbacks.

Mr. Gecker indicated that while he did not necessarily agree that the increased setbacks represented a substantial improvement in design features that the “Cash Proffer Policy” would suggest be considered when assessing the impacts of capital facilities, it could support approval of the amendment.

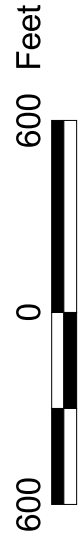
On motion of Mr. Litton, seconded by Mr. Wilson, the Commission recommended approval subject to the conditions on page 2.

AYES: Messrs. Gecker, Gulley, Bass, Litton and Wilson.

The Board of Supervisors, on Wednesday, October 24, 2007, beginning at 6:30 p.m., will take under consideration this request.



07SN0242 (AMENDED)
AMEND C.U.P.D.



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